

### § 256.3

supplements, revised volumes, split volumes, replacement volumes), and the anticipated frequency of supplementation (e.g., annually or monthly);

(b) Any charge for the latest pocket parts or supplements, and the clearly identified period of time within which supplementation will be supplied without additional charge;

(c) The specific nature of any offer of credit or discount for supplements in connection with the original purchase, and the clearly identified period of time for said offer;

(d) Whether supplementation to the industry product has been abandoned, or is knowingly to be abandoned within 1 year after issuance of the solicitation, and the date or approximate date for abandonment of supplementation;

(e) Minimum supplementation cost for each of the past 2 calendar years, or such shorter period in which the publication has been available. [Guide 2]

### § 256.3 Disclosures relative to texts and treatises.

Direct-mail promotional materials or oral representations soliciting the sale of specific texts and treatises should clearly and conspicuously disclose:

(a) For a multivolume set the number or estimated number of volumes which are anticipated to complete the set, and the estimated publication schedule;

(b) Where offer is of a set, a general description of subjects covered under said set title;

NOTE: Industry member should clearly indicate general scope of the work, e.g., set may be titled *Encyclopedia of Hawaiian Law*. If the work is not a full encyclopedic treatment of Hawaiian law, it should be disclosed that it covers only certain areas which are to be clearly identified.

[Guide 3]

### § 256.4 New revisions or replacement sets or series.

Where a publisher sells an industry product whose replacement or substantial revision is scheduled to be offered for sale within 1 year following the date of sale of the precursor work, such publisher should notify the purchaser, prior to consummating the sale, that the industry product will be replaced

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or revised and the approximate date of such replacement or revision. If the purchaser has not been so notified, the publisher should offer to the purchaser either:

(a) Full refund for the obsolete work within the 1 year period, less reasonable charges for the period of use of the work, or

(b) Full credit on the obsolete work within the 1 year period towards purchase of the new work, less reasonable charges for the period of use of the obsolete work.

NOTE: This section does not apply when the publisher continues full supplementation of the precursor set or series.

[Guide 4]

[40 FR 33436, Aug. 8, 1975; 40 FR 36116, Aug. 19, 1975]

### § 256.5 Representations, express or implied, describing a work as “new”, “current” or “up-to-date”.

No direct-mail promotional materials or oral representations soliciting the sale of specific industry products should:

(a) Expressly or impliedly represent that the industry product is new when said industry product was first distributed more than 18 months prior to the time of the offer or dissemination of the advertisement (some examples, but not all inclusive, of terms suggesting new publications are: “Announcing”, “newly revised”, “New 8th Edition”, “Up-to-date”, “New”);

(b) Represent an industry product as current or up-to-date unless the work itself, or the supplementation thereto, is current or up-to-date, considering the amount and nature of legal activity in the particular area of law covered on the date of issuance of the advertisement; but in no event should any representation be made that the industry product is current or up-to-date when either the copyright date, printing date or end of coverage date for supplementation of such industry product is more than 18 months from the date of issuance of the advertisement.

NOTE: Some areas of the law and thus some works may require monthly supplementation to be considered current while others may be